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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/549,322	10/27/95	PENNETREAU	P SLVAY-0829

SPENCER & FRANK
SUITE 300 EAST
1100 NEW YORK AVENUE NW
WASHINGTON DC 20005-3955

12M2/0829

EXAMINER

SIEGEL, A

ART UNIT PAPER NUMBER

1204

22

DATE MAILED:

08/29/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 6/4/97

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-29 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-29 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

Art Unit: 1204

Claims 1-29 are rejected under 35 U.S.C. 103 as being unpatentable over Wairaevens et al ('474) in view of Rao (WO 89/12614) and further in view of Lovelace for the reasons given in paper No. 18.

Applicants arguments and the declaration of Francine Janssens under 37 C.F.R. 1.132 have been carefully considered but are not deemed persuasive.

The declarant urges that "the reactivity of vinyl chlorides is not analogous to the reactivity of vinylidene chloride". However, the instant rejection is not predicated upon an assumption of analogous reactivity but upon the reasonable expectation that a known useful product would be obtained if vinyl chloride is used in the prior art process.

The declarant urges that "there is no reasonable expectation of obtaining a known useful product with high selectivity when replacing the vinylidene chloride starting material with vinyl chloride". However, Rao clearly discloses a similar liquid phase reaction with HF wherein both vinyl chloride and vinylidene chloride are utilized to produce analogous products. Thus, the prior art establishes a reasonable expectation which would have motivated one of ordinary skill in the art.

The instant rejection does not require the same reactivity or yield for vinyl chloride and vinylidene chloride and it is axiomatic that different starting materials would result in different product distributions and yields. It would be obvious to one of ordinary skill in the art that different optimum reaction conditions would apply to different starting materials.

Art Unit: 1204

The use of vinyl chloride and vinylidene chloride in hydrofluorination processes in general is so well known that the use of one would immediately suggest the use of the other to one of ordinary skill in the art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Siegel whose telephone number is (703) 308-4692.

AMS
August 28, 1997

**Alan Siegel
Primary Examiner
Art Unit 1204**